

From: [Brett Jensen](#)
To: [Ryan Shaffer](#)
Cc: [Katy Gannon](#); [Rob Stepans](#); [Jessica Yuhas](#); [Jon Wilson](#); [Michael Sarabia](#)
Subject: RE: Rule 35 exams
Date: Tuesday, September 19, 2023 4:11:42 PM

Hi Ryan:

As you know, the turnarounds on this are slow on our end because every time you change something I have to run it by WTNY and Dr. Bütz and get their approval. Frankly, the latest MOU sent to us on August 30th was completely unacceptable. There were many changes that had never been made in previous drafts that were not previously negotiated. I think this has become a drawn out exercise in futility. I think to keep thing moving along we just need to get the Rule 35 motion in front of Judge Watters. If there are concessions to be made about the parameters of the exams, they can be made in the briefing. If we see an opportunity to get an agreement signed such that the exams can proceed while the motion is being decided, I am open to that.

I assume you object to the motion, which will be filed along the same parameters of the latest MOA we sent you on August 16th, but please let me know by tomorrow at noon.

Sincerely,

Brett C. Jensen
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From: Ryan Shaffer <ryan@mss-lawfirm.com>
Sent: Tuesday, September 19, 2023 2:40 PM
To: Brett Jensen <BJensen@brownfirm.com>
Cc: Katy Gannon <katy@mss-lawfirm.com>; Rob Stepans <rob@mss-lawfirm.com>; Jessica

EXHIBIT

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exhibitk.com

<jessica@mss-lawfirm.com>

Subject: RE: Rule 35 exams

Hey Brett,

Are Defendants still interested in getting this MOA/MOU done and having Dr. Butz examine the Plaintiffs?

Ryan R. Shaffer



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From: Ryan Shaffer

Sent: Wednesday, August 30, 2023 6:17 PM

To: Brett Jensen <Blensen@brownfirm.com>

Cc: Katy Gannon <katy@mss-lawfirm.com>; Rob Stepan <rob@mss-lawfirm.com>; Jessica Yuhas <jessica@mss-lawfirm.com>

Subject: Rule 35 exams

Brett,

Please find attached a modified MOU. We can call it an MOA if you are wed to that.

As to Section B, we could simplify it by taking out our respective positions, and just identify the three disagreements that will either get resolved, or be the subject of later motions.

Before finalizing, we still need to know whether Dr. Butz is proposing the general category of neuropsych testing.

Ryan R. Shaffer



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